REMARKS

The Office Action dated March 31, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 22-28 have been added. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1-28 are submitted for consideration.

Claims 1-11 and 16-17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,597,679 to Willars. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claim 1.

Claim 1 recites a method of performing compressed mode measurements for selecting communication means in a communication system. The communication system includes a network element and a plurality of communication means for serving a mobile station. The method includes providing information associated with the plurality of communication means to the network element. The information is based on a plurality of parameters associated with each of the plurality of communication means. The method also includes ordering the communication means based on the information and performing compressed mode measurements at the mobile station based on the ordering.

As will be discussed below, the cited prior art reference of Willars fails to disclose or suggest the elements of any of the presently pending claims.

Willars describes a telecommunications system utilizing compressed mode techniques to allow a mobile station to take a measurement on another frequency in preparation for an inter-frequency handover. In response to a measurement from the network, the mobile station makes a request for a compressed mode slot having specific characteristics. This enables the network to create an appropriate slot for a given mobile station without having to memorize the specific characteristics of a multiplicity of mobile stations. The network acknowledges this request and provides the appropriate compressed transmission slot. In the compressed transmission slot, a second base station transmits and the mobile station is able to make a measurement. See at least Col. 7, lines 24-Col. 8, line 50.

Applicants submit that Willars fails to teach or suggest the combination of elements recited in the presently pending claims. Claim 1, in part, recites providing information associated with the plurality of communication means to the network element, the information is based on a plurality of parameters associated with each of the plurality of communication means, ordering the communication means based on the information and performing compressed mode measurements at the mobile station based on the ordering. The Office Action alleged that Col. 5, line 63-Col. 6, line 3 of Willars discloses that the Radio Network Core makes a determination or an "order" based on the measurements and that Col. 8, lines 5-67 of Willars discloses that the mobile station makes compressed mode measurements based on the determination of the network.

Applicants submit that Col. 5, line 63-Col. 6, line 3 of Willars provides a general description of a handover operation. The cited sections of Willars make reference to the handover being initiated on "for example measurements taken by the mobile station and/or base stations." The cited section of Willars discloses that this enables a decision to be made as to "whether the mobile station will better serviced under the current conditions or by a different base station." Col. 8, lines 5-67 of Willars refers to the specifics of taking measurements described in Col. 5, line 63-Col. 6, line 3. Specifically, Col. 8, lines 5-67 of Willars describes the network receiving the compressed mode request from the mobile station, acknowledging this request and providing a suitable compressed mode transmission. According to this section of Willars, the mobile station the "takes the opportunity during the spare time to take the measurements from the base station BS2." Applicants submit that it would be apparent to one skilled in the art that both Col. 8, lines 5-67 and Col. 5, line 63-Col. 6, line 3 of Willars describe the same operation, that is, performing one or more compressed mode measurements prior to a handover.

Furthermore, in Willars only one measurement step is performed and there is no teaching or suggestion of a repeat measurement step. In addition, in Willars the measurement is followed by a decision. There is no teaching or suggestion in Willars of performing compressed mode measurements based on the ordering. Hence, Applicants submit that there is no teaching or suggestion in Willars of providing information associated with the plurality of communication means to the network element, the

information is based on a plurality of parameters associated with each of the plurality of communication means, ordering the communication means based on the information and performing compressed mode measurements at the mobile station based on the ordering, as recited in claim 1. Thus, Applicants respectfully assert that the rejection under 35 U.S.C. §102(e) should be withdrawn because Willars fails to teach or suggest each feature of claim 1 and hence, dependent claims 2-11 and 16-17 thereon.

Claims 19-21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2004/0053630 to Zadeh. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claim 19.

Claim 19, upon which claims 20 and 21 depend, recites a method of determining a threshold for a cell in a communication system. The communication system includes the cell and a plurality of other cells. The method includes collecting statistics on the handovers from the cell to the plurality of other cells, weighting the cell load of each cell of the plurality of other cells by the percentage of handovers from the cell to respective one of the plurality of other cells and determining the threshold based on the weighted cell loads.

Zadeh discloses adaptive thresholds for Cell Load Sharing (CLS) can be implemented within a cellular network to allow the thresholds for sharing load and accepting load per cell or to change dynamically depending upon the current traffic situation in the network. The base station controller can monitor the traffic load in each

cell and is responsible for, during a certain time period and if the traffic load remains high for a particular cell during that time period, raising the accepting load threshold for that cell and lowering the sharing load threshold. If the traffic load is low, the base station controller lowers the accepting load threshold for that cell and raises the sharing load threshold. See at least figure 3 and Col. 3, line 48-Col. 4, line 28.

Applicants submit that Zadeh simply does not teach or suggest each element of claims 19-21. Claim 19, in part, recites collecting statistics on the handovers from the cell to the plurality of other cells, weighting the cell load of each cell of the plurality of other cells by the percentage of handovers from the cell to respective one of the plurality of other cells and determining the threshold based on the weighted cell loads. Zadeh, on the other hand, uses only the traffic in a given cell to determine the threshold for that given cell. Zadeh does not teach or suggest surrounding cells or transfers between the cells in addition to the traffic loads. Thus, there is no teaching or suggestion in Zadeh of collecting statistics on the handovers from the cell to the plurality of other cells, weighting the cell load of each cell of the plurality of other cells by the percentage of handovers from the cell to respective one of the plurality of other cells and determining the threshold based on the weighted cell loads, as recited in claim 19. As such, Applicants respectfully assert that the rejection under 35 U.S.C. §102(b) should be withdrawn because Zadeh fails to teach or suggest each feature of claim 19 and hence, dependent claims 20 and 21 thereon.

Claims 12-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willars in view of U.S. Patent No. 5,722,072 to Crichton. According to the Office Action, Willars teaches all of the elements of claims 12-14 except for disclosing that the plurality of parameters comprises either real time load, a non-real time load and that a service priority weight of a signal to interference ratio associated with the base station is provided to the RNC. Thus, the Office Action combines the teachings of Willars with Crichton to yield all of the elements of claims 12-14. The rejection is traversed as being based on references that neither teach nor suggest the novel combination of features clearly recited in independent claim 1, upon which claims 12-14 depend.

Crichton discloses a method for determining a handover for a mobile station in a multi-cellular communication system. The method includes the steps of measuring received signal parameters received from a serving cell and a plurality of neighboring cells, comparing the received signal parameters with a variable threshold value for each of the plurality of neighbor cells, measuring the amount of time or the number of times the received signal parameters are above the threshold value for each of the plurality of neighbor cells and determining handover based on the measurement. See at least the Abstract.

Crichton does not cure any of the deficiencies of Willars with respect to claim 1, presented above. Crichton describes a method for determining a handover of a mobile station. Specifically, in Crichton, the mobile station measures the received signal from a plurality of base station and uses the information to determine the best candidate/base

station for a handover. One embodiment of Crichton can be used to create a priority list of these candidates. Similar to Willars, the priority list of Crichton is constructed based upon the measurements made by the mobile station. Any ordering in Crichton is performed after these measurements and once the measurements in Crichton are performed, no further measurements are disclosed. Thus, the combination of Crichton and Willars fail to disclose or suggest of providing information associated with the plurality of communication means to the network element, the information is based on a plurality of parameters associated with each of the plurality of communication means, ordering the communication means based on the information and performing compressed mode measurements at the mobile station based on the ordering, as recited in claim 1. Thus, Applicants respectfully assert that the rejection under 35 U.S.C. §103(a) should be withdrawn because neither Willars nor Crichton, whether taken singly or combined, teaches or suggests each feature of claim 1 and hence, dependent claims 12-14 thereon.

Although claims 15 and 18 were indicated to be rejected on the summary page, the Office Action did not provide specific reasons for the rejections of claims 15 and 18. Nevertheless, Applicants submit that claim 15 is dependent on claim 1 and claim 18 recites similar elements as claim 1. Thus, both claims 15 and 18 are patentable over the cited references.

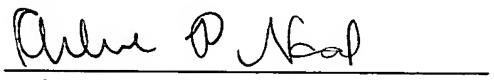
As noted previously, claims 1-21 and newly added claims 22-28 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the

Office Action. It is therefore respectfully requested that all of claims 1-28 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claim Fee Transmittal
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